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**RECEIVED**

**JUN 13 2016**

**PLANNING BOARD  
GRAFTON, MA**

June 13, 2016

Grafton Planning Board  
Grafton Municipal Center  
30 Providence Road  
Grafton, MA 01519

**RE: Determination of Completeness, Street Acceptance: Brookmeadow Village – Waiver Request**

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Dear Chairperson and Members of the Planning Board:

Brookmeadow Village, LLC. (“BV”) is the developer of the single family residential subdivision known as Brookmeadow Village. BV hereby formally requests that the Planning Board waive the strict requirements of Section 3.3.13.3 (b) (18 month waiting period after Determination of Completeness) of its Subdivision Rules and Regulations. A grant of this waiver will allow the applicant to seek town meeting acceptance of a portion of the ways and other improvements located within Brookmeadow Village.

As grounds for the request, BV states as follows:

1. BV has complied with all Planning Board approvals and all relevant portions of the aforementioned Subdivision Rules and Regulations. BV has submitted and believes it is entitled to receive a “Determination of Completeness” for a portion of the Brookmeadow Village subdivision. In addition, BV by and through its representatives has at all times material and relevant hereto kept the Board apprised of the construction progress at the site and continually advised the Board that it (BV) was completing the requirements of

the subdivision approval in a manner that would help facilitate acceptance of defined phases of the subdivision and the improvements made thereto improvements.

2. BV has heretofore completed the installation of significant off-site improvements including but not limited to the (i) building and donation of a municipal park with a completed Ball Field and soccer field; (ii) the reconstruction of the Route 122/122A intersection; (iii) the placement of foundation and well for a future pump house at the municipal park; (iv) a pump house for South Grafton Water Company; (v) an update of the existing Sewer Lift Station including new pumps and a new generator; and (vi) the establishment of a permanent water connection between Grafton Water Company and Whitinsville Water Company.
3. BV maintained and continues to maintain proper safeguards to insure the integrity of all roads, ways, storm water management facilities and other improvements within the subdivision.
4. BV has timely paid all review and consultant fees and has never been required to comply with a stop work order (or other sanction) from any of the many boards and committees exercising jurisdiction over Brookmeadow Village.
5. BV has installed all of the trail systems in the open space portion of the Brookmeadow Village. The open space parcels have been transferred to the Grafton Land Trust (2007) and the Grafton Conservation Commission (2012).

In addition to the foregoing, BV will stipulate that the 20% surety/bond requirement set forth in Section 3.1.12.2(c) of the Subdivision Rules and Regulations will, notwithstanding the provisions of 3.3.12.3(d), remain in effect. The stipulation will include an agreement by BV to continue to be the responsible party for any necessary repairs and to the extent that BV failed to comply, the surety could then be used by the Town to remedy issues in Brookmeadow Village. To the extent this stipulation needs to be memorialized by way of a separate memorandum, the Developer will direct its counsel to prepare the appropriate document and submit same to the Town's counsel for review and approval.

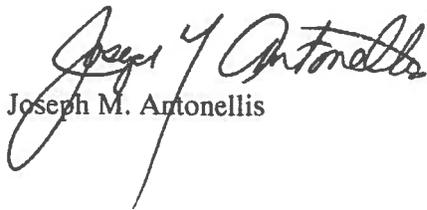
As you know, waivers are only issued by way of a majority vote of the Planning Board, and only when "in the judgment of the Board such action is in the public interest and not inconsistent with the Subdivision Control Law" ( Rules and Regulations Section 2.6).

It is BV's opinion that this Board can make such a finding as to the issue of "public interest". In doing so, the Board need only consider the needs of, and the benefit to, the 67 home owners who presently live at Brookmeadow Village. These homeowners are not yet entitled to direct school bus service. At this time all school bus pickups and drop offs take place at the intersection of Brookmeadow Lane and the abutting, heavily trafficked, public ways. The acceptance of this street at the next Town Meeting will provide a significant public benefit to these homeowners, each of whom is paying an average of \$7,000.00 per year in real estate taxes.

As to the issue of consistency with the Subdivision Control Law, there is no question that the Determination of Completeness provides assurance that the intent and purpose of the Subdivision Control Law (which is to ensure that proper layout of streets, ways and other improvements) is not obviated.

For the reason set forth above, BV hereby requests that the Planning Board grant a waiver from Section 3.3.13.3 (b) of the Subdivision Rules and Regulations thereby allowing the BV the opportunity to seek Town Meeting approval at the 2016 Fall Town Meeting.

Respectfully Submitted, Brookmeadow Village, by its attorney



Joseph M. Antonellis

